



09 AUG 2005

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In re Application of KOEHLER et al
U.S. Application No.: 10/527,818
PCT Application No.: PCT/EP02/10300
Int. Filing Date: 13 September 2002
Priority Date Claimed: (none)
Attorney Docket No.: MERCK-2983
For: OXYGEN-CONTAINING
ORGANOALUMINIUM COMPLEXES
AS COCATALYSTS

COMMUNICATION

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 13 September 2002, applicant filed international application PCT/EP02/10300. A copy of the international application was communicated to the USPTO from the International Bureau on 22 April 2004. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2005 (12 March 2005 was a Saturday).

On 14 March 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

DISCUSSION

The declaration filed 14 March 2005 is improper. Specifically, the declaration contains one sheet each of "Page 1" and "Page 2" and three sheets each of "Page 3" and "Page 4". It is not sufficient to submit only a signature page in lieu of a complete declaration since doing so raises doubt as to whether all pages of the declaration were before each declarant at the time of execution. Applicant must file either: (1) a single complete declaration which is presented to and

executed by all of the inventors or (2) multiple complete declarations, each of which is presented to and executed by at least one of the inventors.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.



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